

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CRIMINAL MINUTES**

**Date:** October 23, 2025

**Time:** 9:33 -10:33

**Judge:** EDWARD M. CHEN

1 Hour

**Case No.:** [23-cr-00228-EMC-1](#)

**Case Name:** United States v. Marco Antonio Martinez

**Attorney for Government:** Michael Lagrama

**Attorney for Defendant:** Taylor Fatherree

**Defendant:** [X] Present [ ] Not Present

**Defendant's Custodial Status:** [X] In Custody [ ] Not in Custody

**Deputy Clerk:** Vicky Ayala

**Interpreter:** N/A

**Court Reporter:** Kendra Steppeler

**Probation Officer:** Pepper Friesen

**PROCEEDINGS**

Sentencing (In-Person)

**SUMMARY**

Parties stated appearances.

The government and defense counsel jointly objected to Probation's Base Offense Level of 20. The parties' position is that the correct Base Offense Level is 14. Court heard oral argument and sustained the objection. Defense counsel objected to the last sentence in paragraph number two under "Justification" in the PSR indicating Mr. Martinez is a Norteña gang member and wanted sentenced stricken from the PSR. Government had no objection. Court ordered sentence be stricken from the PSR.

Defendant stated he has reviewed the Pre-Sentence Report with his attorney.

Defendant addressed the Court.

Criminal History Category: 10 Adjusted Offense Level: 12 Guideline Range: 27-33 months.

The Court considered and discussed 3553(a) factors and acknowledged the crimes committed were serious offenses. The Court discussed mitigating factors as well.

The Court varied downward which is warranted under 3553(a), other factors considered, were more thoroughly stated on the record.

Court imposed a sentence of 12 months and one day on each of Counts One and Two, to be served concurrently. This sentence is to be served concurrently to his sentence in San Francisco County Superior Court Docket 24004329. Court also imposed a three-year term of supervised release on each of Counts One and Two to run concurrently. Court recommended defendant participate in the Residential Drug Abuse Treatment Program. Defendant is to pay a special assessment of \$200.00. Court ordered fine waived.